

THE CENTRAL VALLEY FLOOD PROTECTION BOARD – October 28, 2010

Eric McGrath and Alejandra Lopez

Agenda Item No. 7(I)

**SUBJECT:**

The Central Valley Flood Protection Board (Board) is requested to approve the conveyance of an easement for ingress and egress purposes from the Sacramento and San Joaquin Drainage District to A. & G. Montna Properties L.P., a California Limited Partnership (Montna) and to delegate to the Board president and secretary the authority to execute such Easement Deed. In addition, and subject to this conveyance, it is also requested that the Board delegate to the Executive Officer the authority to execute an “Agreement for the Repair and Maintenances of Easement Road.”

**LOCATION:**

The Sacramento and San Joaquin Drainage District’s (SSJDD) property lies within portion of Sections 19, 20, 29 & 30, Township 13 North, Range 3 East, M.D. M., in the County of Sutter, State of California. The subject property area (a portion of the eastern channel’s bank of the Sutter Bypass) is located in south Sutter County, just north of the Feather River confluence.

**BACKGROUND:**

Montna contacted the Board staff to offer to acquire an ingress/egress easement for the purposes of using existing unimproved farm roads located on SSJDD property. Historically, Montna has been using and maintaining said roads for many years to access their property and certain County road known as Kirkville Road. In exchange for conveyance of this easement, Montna proposes to continue to formally repair and maintain said access roads, based upon a mutually agreed upon “Agreement for the Repair and Maintenances of Easement Road.” The ingress and egress easement would consist of 20.72 acres stretching approximately six miles.

The Department of Water Resources (DWR) Division of Engineering, Real Estate Branch (REB) Property Management Section was requested to review and oversee the offer of the proposed acquisition. As part of this review, REB Appraisal Section staff confirmed that the offer as proposed meets and/or exceeds the fair market value for the subject easement and such appraisal was completed in accordance with appraisal standards; therefore, based on such review, the REB Appraisal Section recommends acceptance of the offer from Montna.

The Department of Water Resources, Division of Flood Management (DFM) staff reviewed the proposal and concluded that the conveyance of easement will not negatively impact the flood control system provided the Agreement for Repair and Maintenance of Easement Road is formalized. DFM staff recommends the approval of the Agreement for Repair and Maintenance of Easement Road.

Jeremy Goldberg, DWR, Office of Chief Counsel has approved the Easement Deed and the “Agreement for Repair and Maintenance of the Easement Road” for legal form and sufficiency.

**REQUEST:**

For the Board to approve the conveyance of an easement for ingress and egress purposes from the Sacramento and San Joaquin Drainage District to the A. & G. Montna Properties L.P., a California Limited Partnership and to delegate to the Board president and secretary the authority to execute such Easement Deed for SSJDD Parcel Nos. 3-A, 849-G, 849-H, 873-E and 873-F. In addition, and subject to this conveyance, it is also requested that the Board delegate to the Executive Officer the authority to execute an “Agreement for the Repair and Maintenances of Easement Road” with oversight from DFM, Flood Maintenance Office staff.

**ATTACHMENTS:**

- Easement Deed SSJDD Parcel No. 3-A, 849-G, 849-H, 873-E and 873-F
- Agreement for Repair and Maintenance of Easement Road
- Exhibit Maps

**STAFF RECOMMENDATION:**

Staff recommends approval of the conveyance of an easement for ingress and egress purposes from the Sacramento and San Joaquin Drainage District to the A. & G. Montna Properties L.P., a California Limited Partnership and delegating to the Board president and secretary the authority to execute such Easement Deed for SSJDD Parcel Nos. 3-A, 849-G, 849-H, 873-E and 873-F. In addition, and subject to this conveyance, it is also requested that the Board delegate to the Executive Officer the authority to execute an "Agreement for the Repair and Maintenances of Easement Road" with oversight from DFM, Flood Maintenance Office staff.

RECORDING REQUESTED BY

WHEN RECORDED MAIL TO:

**DEPARTMENT OF WATER RESOURCES**

Division of Engineering  
Real Estate Branch  
1416 9<sup>th</sup> Street, Room 425  
Sacramento, CA 95814

SPACE ABOVE THE LINE FOR RECORDER'S USE

**EASEMENT DEED**

SUTTER BYPASS  
Project MONTNA ROAD EASEMENT

Parcel No. 3-A,849-G,849-H,873-E,873-F  
BOOK 1-E

The SACRAMENTO AND SAN JOAQUIN DRAINAGE DISTRICT, acting by and through THE CENTRAL VALLEY FLOOD PROTECTION BOARD of the STATE OF CALIFORNIA, does hereby grant to **A. & G. MONTNA PROPERTIES, L.P., A CALIFORNIA LIMITED PARTNERSHIP** a NONEXCLUSIVE EASEMENT for INGRESS AND EGRESS upon, over, and across that certain real property in the unincorporated area of County of Sutter, State of California, described as:



PARCEL 849-G and PARCEL 873-E

An Easement situated in Section 3, Township 12 North, Range 3 East, M.D.M., County of Sutter, State of California, being a portion of that Easement Deed granted by the Sacramento and San Joaquin Drainage District to Axel Karlshoej, Inge Karlshoej, and Nordic Industries, Inc. as described in Document Number 199905780, recorded April 7, 1999, Official Records of said County, described as follows:

Parcel 98-849-F and PARCEL 98-873-D as described in said Easement Deed being parcels or strips of land having parallel sides and a uniform width of 30 feet. Containing 1.00 acre, more or less.

All that real certain property situated in Section 3 and 10, Township 12 North, Range 3 East, M.D.M., County of Sutter, State of California, and being a portion of Parcel B as described in that Grant Deed to the Sacramento and Sacramento Drainage District, Deed Number 873, recorded April 29, 1943, in Book 196, Page 83, also being a portion of PARCEL 11897-A and PARCEL 11897-B as described in that Grant Deed to the Sacramento and San Joaquin Drainage District, recorded September 7, 1982, in Book 1054, Page 67, described as follows:

PARCEL 873-F

A road easement for ingress and egress to provide access to that certain County road known as Kirkville Road, as described in that deed for public highway granted to the County of Sutter, recorded in Book 513 at page 251, Official Records of said County. Being a parcel or strip land having parallel sides and a uniform width of 30 feet, lying easterly and southerly of and adjoining the following described line:

Commencing at a found  $\frac{3}{4}$  - inch iron pipe with a plastic plug marked SBE 13, being a point on the Westerly boundary of said PARCEL 11897-B, thence along said Westerly boundary, South  $13^{\circ}01'11''$  East 100.00 feet to a point being 15 feet Westerly and perpendicular from the centerline of the hereinabove mentioned PARCEL 873-D and the TRUE POINT OF BEGINNING of a said 30.00 foot strip of land, the Westerly line of said strip being the Westerly line of said Parcel B as described in said PARCEL 11897-B; thence continuing Southerly along said Westerly boundary the following 16 courses: (1) South  $13^{\circ}01'11''$  East 966.67 feet, (2) South  $14^{\circ}24'06''$  East 165.03 feet, (3) South  $17^{\circ}11'55''$  East 165.03 feet, (4) South  $13^{\circ}21'22''$  East 133.15 feet, (5) South  $21^{\circ}06'13''$  East 134.08 feet to a found  $\frac{3}{4}$ - inch iron pipe with a plastic plug marked SBE 10; thence (6) South  $15^{\circ}21'33''$  East 699.59 feet to a found  $\frac{3}{4}$  - inch iron pipe with a plastic plug marked SBE 9, thence (7) South  $12^{\circ}22'57''$  East 360.81 feet to a found  $\frac{3}{4}$  - inch iron pipe with plastic plug marked SBE 8, said distance being 361.82 feet as described in said PARCEL 11897-B, thence (8) South  $14^{\circ}22'40''$  East 1540.10 feet to a found  $\frac{3}{4}$  - inch iron pipe with plastic marked SBE 7, thence (9) South  $15^{\circ}14'47''$  East 296.83 feet to a found  $\frac{3}{4}$  - inch iron pipe with plastic plug marked SBE 6, thence (10) South  $10^{\circ}04'07''$  East 85.40 feet, thence (11) South  $03^{\circ}13'10''$



West 85.40 feet to a found  $\frac{3}{4}$  - inch iron pipe with plastic plug marked SBE 5, thence (12) South 09°51'52" West 139.39 feet to a  $\frac{3}{4}$  - inch iron pipe with plastic plug marked SBE 4, thence (13) South 01°36'33" West 68.77 feet, thence (14) South 08°13'54" East 68.77 feet to a found  $\frac{3}{4}$  - inch iron pipe with plastic plug marked SBE 3, thence (15) South 13°16'38" East 508.43 feet to a found  $\frac{3}{4}$  - inch iron pipe with plastic plug marked SBE 2, thence (16) South 12°20'45" East 338.13 feet, to a found  $\frac{3}{4}$  - inch iron pipe with plastic plug marked SBE 1, thence leaving said Westerly boundary along the Northwesterly boundary of said PARCEL 11897-A, South 10°15'15" West 53.60 feet, and the end of the herein described 30 foot strip. Containing 4.0 acres, more or less.

The sidelines of the above described strip of land are to be prolonged or shortened at all angle points so as to terminate at their points of intersection and in the most Southerly line of the hereinabove mentioned PARCEL 98-873-D.

All that real property situated in Section 3, Township 12 North, Range 3 East, and Sections 19, 20, 28, 29, 33 and 34, Township 13 North, Range 3 East, M.D.M., County of Sutter, State of California, being a portion of the following Grant Deeds to the Sacramento and San Joaquin Drainage District, Deed Number 3, recorded March 2, 1918, in Book 61 of Deeds, at Page 39, Parcel A as described in Deed Number 849, recorded December 4, 1942, in Book 196, Page 83, PARCEL 11897-B as described in Book 1054, at Page 67, recorded September 7, 1982, all in the Official Records of said County, described as follows;

PARCEL 849-H

A road easement for ingress and egress to provide access to that certain county road known as Kirkville Road, as described in deed for public highway to the County of Sutter, in Book 513 of Official Records at page 251, Sutter County Records, and access to the California State Highway Route Number 113, as said Highway is shown on State of California Division of Highways District 3 Right of Way Monument Map, (SUT-113-12.1) Page 5 of 6, and being parcels or strips of land having parallel sides and a uniform width of 30 feet lying easterly of and adjoining the following described line:

Commencing at a found  $\frac{3}{4}$  - inch iron pipe with a plastic plug marked SBE 18, being a point on the Westerly boundary of said PARCEL 11897-B, thence along said Westerly boundary, South 13°17'04" East 2137.60 feet to the intersection of said Westerly boundary line with the centerline of an existing access road as described in the hereinabove mentioned PARCEL 98-849-F and the TRUE POINT OF BEGINNING of the herein described 30.00 foot strip of land, the Westerly line of said strip being the Westerly line of said Parcel A as described in said PARCEL 11897-B; thence along said Westerly boundary North 13°17'04" West 2137.60 feet to said  $\frac{3}{4}$  - inch iron pipe with plastic plug marked SBE 18; thence continuing Northerly along said Westerly boundary 22 courses as described in said PARCEL 11897-B, 12974.42 feet, more or less to the Northeast corner of A. & G. Montna Properties, L.P., a California Limited Partnership recorded in Document Number 1999-0019872, Official Records of said County, said corner also being the Southeast corner of Westrope Ranches, LLC parcel of land recorded in Document Number 20030031518, Official Records of said County, and the end of the Westerly boundary of said



PARCEL 11897-B; thence continuing along the Westerly boundary line of said PARCEL A of said Deed 849, North 40°14'57" West 5424.26 feet; thence along a curve to the left from which the radius point bears South 49°45'03" West, having a radius of 20,564.80 feet, through a central angle of 2°53'58", and arc distance of 1040.72 feet to a point, said point being South 46°51'05" West 15 feet from the herein designated Point "A", also being the center of an existing farm road; thence from said point "A", along said road centerline for a strip of land having parallel sides and a uniform width of 30 feet, lying 15 feet to the left and 15 feet to the right of the following described centerline: North 04°41'13" West 98.33 feet; thence along a curve to the right, from which the radius point bears North 85°18'47" East, having a radius of 150.00 feet, through a central angle of 45°52'06", and arc distance of 120.08 feet; thence North 41°10'53" East 144.44 feet, more or less to a point herein designated as point "B", also being the Westerly boundary of said Deed 3, and the end of the herein described centerline. Containing 15.10 acres, more or less.

The sidelines of the above described strip of land are to be prolonged or shortened at all angle points so as to terminate at their pointes of intersection.

The sidelines of the above described strip of land are to be prolonged or shortened so as to terminate at the most Northerly line of the hereinabove mentioned PARCEL 98-849-F, the Westerly line of said Parcel A of Deed 849, the Easterly sideline of the hereinabove described PARCEL 849-G, and the Westerly line of said Deed 3.

#### PARCEL 3-A

A strip of land having parallel sides and a uniform width of 30 feet, lying 15 feet to the left and 15 feet to the right of the following described centerline:

Beginning at the hereinabove mentioned Point "B", continuing along the hereinabove mentioned road centerline, North 41°10'53" East 43.58 feet; thence North 45°28'22 East 186.72 feet; thence along a curve to the left from which the radius point bears North 44°31'38" West, having a radius of 50.00 feet, through a central angle 78°54'09", and arc distance of 68.86 feet; thence North 33°25'13" West 63.58 feet, thence North 33°25'13" West 87.29 feet; thence North 28°52'20' West 110.11 feet; thence along a curve to the left from which the radius point bears South 61°07'41" West, having a radius of 100.00 feet; through a central angle of 16°14'32", an arc distance of 28.35 feet; thence North 45°06'52" West 283.00 feet, thence North 50°58'58" West 74.63 feet, more or less, to the Easterly right of way line of the California State Highway Route Number 113, and the end of the herein described centerline and the end of the herein described 30.00 foot strip of land. Containing 0.65 acre, more or less.

The sidelines of the above described strip of land are to be prolonged or shortened at all angle points so as to terminate at their point of intersection.

The sidelines of the above described strip of land are to be prolonged or shortened so as to terminate a the Westerly line of said Deed 3, and the Easterly right of way line of said State Highway Route Number 113.

SUBJECT TO all existing easements, agreements, restriction, and reservations of record.

Bearings are based on the California Coordinate System, CCS83 (2007), Zone 02, based on a bearing of North  $32^{\circ}16'11''$  West between the found 2-1/2 inch CADT brass disk stamped "KUSTER 2004" and the found 2-1/2 inch CADT brass disk stamped "SAWTELLE 2004". The distances shown herein are ground. To convert to grid, multiply by 0.99992191.



*Donald L. Solheim*  
8-11-2010



This easement is expressly subject to that "Agreement for the Repair and Maintenance of Easement Road," dated October , 2010, among other things, reserving onto the Grantor the right to use the road at any time and in any manner necessary for flood management purposes.

State of California  
The Resources Agency  
Department of Water Resources  
THE CENTRAL VALLEY FLOOD  
PROTECTION BOARD

Parcel No. 3-A, 849-G, 849-H  
873-E, 873-F

Executed this \_\_\_\_\_ day \_\_\_\_\_, of 20 \_\_\_\_\_


SACRAMENTO AND SAN JOAQUIN DRAINAGE  
DISTRICT, acting by and through The Central Valley  
Flood Protection Board of the State of California.

By \_\_\_\_\_  
President

By \_\_\_\_\_  
Secretary

Approved as to Legal Form

Signed and delivered in the presence of:

  
\_\_\_\_\_  
Counsel, The Central Valley Flood Protection Board

STATE OF CALIFORNIA }

SS

County of \_\_\_\_\_

On \_\_\_\_\_, 20 \_\_\_\_\_, before me, \_\_\_\_\_  
personally appeared \_\_\_\_\_ who proved to me on the basis of  
satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and  
acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that  
by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s)  
acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing  
paragraph is true and correct.

WITNESS my hand and official seal

[SEAL]

\_\_\_\_\_  
NOTARY PUBLIC IN AND FOR THE STATE OF CALIFORNIA

When recorded ,  
return this document to:  
Department of Water Resources  
Division of Land and Right of Way  
P. O. Box 942836  
Sacramento, CA 94236-0001

Space above this line for Recorder's Use

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## **AGREEMENT FOR THE REPAIR AND MAINTENANCE OF EASEMENT ROAD**

This agreement between A. & G. MONTNA PROPERTIES, L.P., and The Central Valley Flood Protection Board (The Board), acting on behalf of the Sacramento and San Joaquin Drainage District is hereby entered into this \_\_\_\_ day of October, 2010.

WHEREAS, the Sacramento and San Joaquin Drainage District, acting by and through The Central Valley Flood Protection Board of the State of California (hereafter referred to as "State"), owns certain property within the Sutter Bypass, more particularly described in Exhibit A, attached hereto and by this reference incorporated herein.

WHEREAS, A. & G. MONTNA PROPERTIES, L.P. owns certain property within the Sutter Bypass described in Exhibit B, attached hereto and by this reference incorporated herein, and desires the State to grant it an easement for vehicular access on existing unimproved roads located on State property.

WHEREAS, the State is willing to grant such a non-exclusive easement so long as there is a recorded agreement for the repair and maintenance of the roads which are the subject of the easement.

WHEREAS, the State is willing to grant such a non-exclusive easement so long as the easement in no way interferes with the State's use of the property for the purposes of flood management and flood fighting.

WHEREAS, the parties intend that this agreement and the obligations hereunder run with the land and benefit, bind and inure to the benefit and detriment of their successors, heirs and assigns.

### **NOW THEREFORE THE PARTIES AGREE AS FOLLOWS:**

1. A. & G. MONTNA PROPERTIES, L.P., for itself, its heirs, successors and assigns hereby agrees to share in the costs to repair and maintain the roads which are the subject of The Board Easement Deed, Parcel Nos. 3-A, 849-G, 849-H, 873-E and 873-F, dated August 11, 2010, (hereafter referred to as "roads") proportional to the use A. & G. MONTNA PROPERTIES, L.P., its contractors and employees make of the roads. A. & G. MONTNA PROPERTIES, L.P.'s proportional use shall be based upon use of owners and their guests with recorded rights to use the roads.



2. A. & G. MONTNA PROPERTIES, L.P., for itself, its heirs, successors and assigns hereby agrees to repair any damage caused by A. & G. MONTNA PROPERTIES, L.P., its contractors and employees with prior approval of the proposed repairs by the Department of Water Resources, Flood Maintenance Office.
3. A. & G. MONTNA PROPERTIES, L.P., for itself, its heirs, successors and assigns hereby agrees to obtain approval from the Department of Water Resources, Flood Management Office prior to undertaking any repairs or maintenance activities on the roads.
4. A. & G. MONTNA PROPERTIES, L.P. for itself, its heirs, successors and assigns, and State agree to consult at least once a year to discuss road repair and maintenance needs.
5. A. & G. MONTNA PROPERTIES, L.P., for itself, its heirs, successors and assigns, agrees to indemnify and hold the State, its officers, employees and assigns harmless from any liability, claim or demand arising out of use of the road by A. & G. MONTNA PROPERTIES, L.P, its contractors and employees or their failure to comply with the terms of this agreement.
6. The State expressly reserves the right to the use of the roads at any time and in any manner necessary for the purposes of flood management and flood fighting.
7. The obligations and burdens touch and concern the lands described in Exhibits A and B and shall run with the land and bind and inure to the benefit of each party's successors, heirs and assigns.

A. & G. MONTNA PROPERTIES, L.P

Sacramento and San Joaquin Drainage  
District, acting by and through The  
Central Valley Flood Protection Board of  
the State of California

By: \_\_\_\_\_

Title: \_\_\_\_\_

By: \_\_\_\_\_  
Jay Punia, Executive Officer

Approved as to Legal Form

By:   
Jeremy Goldberg, Staff Counsel  
The Central Valley Flood Protection  
Board

Original Deposited in Escrow with Peoples Savings Bank Oct 19. 1915  
Taken out & delivered : with 104 pages

Recorded March 2. 1918 in Book 61 of Deeds  
Page 39 Sutter County Records

DEED # 3

RECORDED 3/02/18

BOOK 61 of DEEDS PAGE 39

Sutter Co.

COPY

DEED

THIS INDENTURE, made and entered into this 23rd day of June, 1914, between SUTTER BASIN COMPANY and SUTTER BASIN IMPROVEMENT COMPANY, corporations formed and existing under the laws of the State of California, herein designated as the first parties, and SACRAMENTO AND SAN JOAQUIN DRAINAGE DISTRICT (a corporation created by that certain Act of the Legislature of the State of California approved May 26th, 1913, being Chapter 170 of the statutes passed at the regular session of said Legislature in the year 1913), acting by and through the Reclamation Board, herein designated as the second party,

W I T N E S S E T H:

1. The first parties, for and in consideration of the sum of Ten Dollars (\$10.00), to them in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, have, subject to the conditions hereinafter set out, granted, bargained, sold and conveyed, and do, subject to the conditions hereinafter set out, hereby grant, bargain, sell and convey to the party of the second part, and its assigns forever, all that certain land situate, lying and being in the County of Sutter, State of California, and bounded as follows, to-wit:-

This deed is for the  
3 levee strips  
north of Nelson Slough

EXHIBIT A



COBA

DEED

10F-13N-3E

Beginning at a point on the South line of Section eighteen (18), T. 13 N., R. 3 E., M. D. B. and M., from which the Southeast corner of said Section eighteen (18) bears S. 88° 29' E. 635.27 feet, said point being distant 325.0 feet westerly at right angles from the center line of the East levee of the Sutter By-pass as the same is located on the ground by the State Department of Engineering, thence Southerly on a curve to the right of radius 20864.8 feet, on a line parallel to the said levee center line and distant 325.0 feet westerly therefrom, a distance of 2486.15 feet, measured along curve, thence continuing on said parallel line, S. 40° 22' E. 6682.32 feet to a point on the East line of Section twenty-nine (29), T. 13 N., R. 3 E., which is North 3673.21 feet from the Southeast corner of said Section twenty-nine (29), thence on said East Section line North 501.79 feet to the center line of said East levee of Sutter By-pass, thence, continuing on said East section line, North 154.4 feet, thence Northerly on a line parallel to said levee center line and distant 100.0 feet easterly therefrom, N. 40° 22' W. 6182.36 feet, thence on said parallel line, on a curve to the left of radius 21289.8 feet a distance of 2059.09 feet, measured along curve, to the Southeast corner of Section eighteen (18), T. 13 N., R. 3 E., M.D.B. and M., said corner being distant 100.0 feet at right angles Easterly from the said levee center line, thence on the South line of said Section eighteen (18), N. 88° 29' W. 154.97 feet to the said levee center line, thence on said South line N. 88° 29' W. 480.3 feet to the point of beginning, the above described tract being a strip of land of 425 feet in width, of which total width 100.0 feet lies on the Easterly side and 325.0 feet on the westerly side of the said East levee of Sutter By-pass center line, said strip being 8709.95 feet in length and





70F-13N-2E Also, beginning at a point on the South line of Section two  
(2), T. 13 N., R. 2 E., M. D. B. and M., distant 93.7 feet West  
along said South line from the Southeast corner of the Southwest  
quarter (SW $\frac{1}{4}$ ) of said Section Two (2), said point being distant  
375.0 feet at right angles Westerly from the center line of the  
East levee of Sutter By-pass as the same is staked and located on  
the ground by the State Department of Engineering, thence Northerly  
on a line parallel to the said levee center line and distant 375.0  
feet Westerly therefrom, on a curve to the right of radius  
10126.0 feet a distance of 2886.72 feet measured along curve to  
a point on the North line of said Southwest quarter (SW $\frac{1}{4}$ ) of  
Section two (2) distant 61.97 feet East along said North line from  
the Northeast corner of the Northwest quarter of the South-  
west quarter (NW $\frac{1}{4}$  of SW $\frac{1}{4}$ ) of said Section two (2), said point being  
distant 375.0 feet at right angles Westerly from the said levee  
center line, thence on said North line East 387.54 feet to the  
said levee center line, thence continuing East on said North line  
103.34 feet to a point distant 100.0 feet at right angles Easterly  
from said levee center line, thence Southerly on a curve to the  
left of radius 9651.0 feet a distance of 2929.4 feet, measured  
along curve to a point on the said South line of Section two (2),  
said point being distant 100.0 feet at right angles Easterly from

the said levee center line, thence on said South line of Section two (2), West 119.3 feet to the center line of said East levee of Sutter By-pass, thence continuing on said South line West 353.6 feet to the Southeast corner of the Southwest quarter (SW $\frac{1}{4}$ ) of said Section Two (2), thence continuing on said south line of Section two (2), West 93.7 feet to the point of beginning, the above described tract of land being a strip of uniform width of 475.0 feet, of which total width 375.0 feet lies on the Westerly side and 100.0 feet on the Easterly side of the said center line of the East levee of Sutter By-pass, extending from the South line to the North line of the South half (S $\frac{1}{2}$ ) of Section two (2) T. 13 N., R. 2 E., M. D. B. and M., said strip having a length of 2866.45 feet and containing 31.71 acres of land, more or less, the aggregate area of the three above described tracts being 245.45 acres of land, more or less.



TOGETHER with all the tenements and hereditaments thereunto  
belonging or in anywise appertaining.

TO HAVE AND TO HOLD, subject to the conditions herein named,  
said land to the party of the second part and its assigns forever.

\* The said land is conveyed upon the express condition that the same is to be used for the purpose of constructing levees thereon in accordance with the plan of flood control heretofore adopted by the Reclamation Board; provided, however, that any of said land may be used by the second party, or its assigns, for any lawful purpose not inconsistent with, or which will not interfere, with the said Sutter By-pass and levees. The said party of the second part by the acceptance of this indenture agrees to hold said land subject to said condition.

IN WITNESS WHEREOF, the parties of the first part have executed this indenture the day and year first hereinabove written, acting pursuant to resolutions of their respective boards of directors, attaching their respective corporate seals, and causing the same to be signed by its proper officers thereunto duly authorized.

( Corporate  
Seal )

SUTTER BASIN COMPANY.

By W. E. GERBER President.  
By WM. H. DEVLIN Secretary.

( Corporate  
Seal )

SUTTER BASIN IMPROVEMENT COMPANY

By GEO. W. PELTIER President.  
By PHILIP JOHNSON Secretary.

PAGE 11- LOOK TO  
RESERVATIONS  
PAG 10- COVERS 150 N. & S OF  
CHUSEWAS ALREADY  
RESERVATION TO GRANTOR

193 OF 389  
REL 12/4/42

KNOW ALL MEN BY THESE PRESENTS:

That for and in consideration of the sum of Seventeen Thousand, Seven Hundred Sixty-three and 20/100ths Dollars (\$17,763.20) by Grantee to Grantors in hand paid, receipt whereof is hereby acknowledged, R. E. HUGHES and LEONA W. HUGHES, his wife, hereinafter designated "Grantors", do hereby grant, bargain, sell and convey to SACRAMENTO AND SAN JOAQUIN DRAINAGE DISTRICT, a public agency and mandatory, hereinafter designated "District", the following described real property situate in the County of Sutter, State of California, to-wit

Parcel  
4E-13N-3E

→ PARCEL A: A strip of land 300 feet wide lying westerly of the westerly right of way line of the east levee of Sutter By-Pass, situate in Section 13, Township 13 North, Range 2 East; Sections 18, 19, 20, 28, 29, 33 and 34 of Township 13 North, Range 3 East; and Section 3, Township 12 North, Range 3 East, Mount Diablo Base and Meridian, and more particularly described as follows:

Beginning at a point on the westerly right of way line of the east levee of Sutter By-Pass, said point being the southeasterly corner of that certain 958.21 acre tract of land described in that Deed from the Sutter Basin Company and the Sutter Basin Improvement Company to the Sacramento and San Joaquin Drainage District dated June 23, 1914 and recorded in Book 61 of Deeds, at page 28, Sutter County Records; thence from said point of beginning Northerly along the easterly boundary of said tract parallel to and distant 340 feet westerly at right angles from the center line of said east levee of the Sutter By-Pass on a curve to the left with radius of 20849.8 feet a distance of 1538.54 feet; thence on a tangent to said curve North 51° 24' West 6732.83 feet; thence at right angles to the last described course South 38° 36' West 300.00 feet; thence Southerly parallel to and distant 640 feet westerly at right angles from the center line of said east levee of Sutter

EXHIBIT A



By-Pass South  $51^{\circ} 24'$  East 6732.83 feet; thence continuing on said parallel line on a curve to the right with radius of 20549.8 feet a distance of 1171.83 feet to a point on the southerly boundary of said 958.21 acre tract; thence on said boundary South  $88^{\circ} 29'$  East 22.00 feet to a point distant 625 feet westerly at right angles from the center line of said east levee of Sutter By-Pass; thence Southerly parallel to and distant 625 feet westerly at right angles from said center line on a curve to the right with radius of 20564.8 feet a distance of 2795.31 feet; thence on said parallel line South  $40^{\circ} 22'$  East 17204.13 feet; thence on a line parallel to and distant westerly 300 feet from the westerly boundary of the right of way of the said east levee of Sutter By-Pass as described as Parcel No. 2 in Deed from Sutter Basin Company and Sutter Basin Improvement Company to Sacramento and San Joaquin Drainage District dated June 23, 1914 and recorded in Book 61 of Deeds, at page 39, Sutter County Records; said line being on a curve to the right with radius of 4286.10 feet a distance of 1939.36 feet to a point distant 625 feet westerly at right angles from the center line of said east levee of Sutter By-Pass; thence parallel to and distant 625 feet westerly at right angles from said center line South  $14^{\circ} 26' 30''$  East 2300 feet, more or less, to the northerly bank of Willow Slough; thence at right angles North  $75^{\circ} 33' 30''$  East 300 feet; thence along westerly right of way boundary of East Levee of Sutter By-Pass, as said right of way is described in Parcel No. 2 of the Deed from Sutter Basin Company and Sutter Basin Improvement Company to the Sacramento and San Joaquin Drainage District recorded in Book 61 of Deeds, at page 59, Sutter County Records, North  $14^{\circ} 26' 30''$  West 2300 feet, more or less, to



the curve; thence continuing along said levee right of way boundary on a curve to the left with radius of 4586.10 feet a distance of 2075.10 feet; thence tangent to said curve and along a line parallel to and 325 feet distant westerly from the center line of said east levee of Sutter By-Pass, North 40° 22' West 17204.13 feet; thence continuing along said last named parallel line on a curve to the left with radius of 20864.6 feet a distance of 2486.15 feet to a point on the south line of Section 18, Township 13 North, Range 3 East, Mount Diablo Base and Meridian, being also the northwest corner of that certain 84.98 acre tract described as Parcel No. 1 in said Deed last above referred to; thence on said south line of said Section 18, North 88° 29' West 22.00 feet to the point of beginning, containing 222.04 acres, more or less; free and clear of all liens and encumbrances excepting:

1. Conditions as contained in the deed from Sutter Basin Company, a corporation, and Sutter Basin Improvement Company, a corporation, to Sacramento and San Joaquin Drainage District, dated June 23, 1914 and recorded March 2, 1918 in Book 61 of Deeds, at page 28, Sutter County Records.

2. Conditions as contained in the deed from Sutter Basin Company, a corporation, to Sacramento and San Joaquin Drainage District, dated December 22, 1919 and recorded December 29, 1919 in Book 65 of Deeds, at page 221, Sutter County Records.

3. Right-of-way for road purposes granted by Sutter Basin Company, a corporation, to County of Sutter, dated September 9, 1927 and recorded October 7, 1927, in Book 89 of Deeds at page 507, Sutter County Records.

SUBJECT, ALSO, to the following reservations, to-wit:

(a) Reserving unto Grantors, their heirs and assigns, and for the benefit of any and all of the remaining lands of

Grantors situated in the Sutter By-Pass and which said remaining lands are described as follows:

All those certain lots, pieces or parcels of land situate, lying and being in the County of Sutter, State of California, particularly described as follows, to-wit:

PARCEL NO. 1: All the portions of Section 34, Township 13 North, Range 2 East, Mount Diablo Base and Meridian; Sections 19, 20, 29, 30, 32, 33 and 34, Township 13 North, Range 3 East, Mount Diablo Base and Meridian; Sections 3, 4, 9, 10, 15 and 16, Township 12 North, Range 3 East, Mount Diablo Base and Meridian; lying east of the east right of way boundary of the west levee of Sutter By-Pass and west of the west right of way boundary of the east levee of Sutter By-Pass and north of the center line of Nelson Slough and more particularly described as follows:

Beginning at a point on the south line of Section 9, Township 12 North, Range 3 East, Mount Diablo Base and Meridian, from which the southeast corner of said Section 9 bears North 89° 58' East 123.19 feet, said point being distant 325 feet easterly at right angles from the center line of the east levee of Reclamation District No. 1500; and on the east line of the levee right of way of said District No. 1500; thence on said east right of way line, parallel to the said levee center line and distant 325 feet easterly therefrom, North 7° 51' West 6826.3 feet; thence on a curve to the left of radius 11,068.0 feet, a distance of 6274.9 feet; thence North 49° 40' East 13.0 feet to a point distant 340.0 feet at right angles easterly from the said levee center line; thence along the said east boundary line of right of way, parallel to and distant 340.0 feet easterly from the said levee center line, North 40° 20' West 13,045.7 feet; thence on a curve to the left

of radius 17,528.8 feet a distance of 3395.90 feet; thence North 51° 26' West 2817.5 feet to a point on the south line of Section 13, Township 13 North, Range 2 East, Mount Diablo Base and Meridian; said point being on the said easterly boundary of levee right of way and distant 340.0 feet at right angles easterly from the said levee center line; thence on said south line of Section 13, North 89° 59-1/3' East 895.39 feet to the southeast corner of said Section 13; thence on the south line of Section 18, Township 13 North, Range 3 East, Mount Diablo Base and Meridian, South 88° 29' East 4501.80 feet to a point from which the southeast corner of said Section 18 bears South 88° 29' East 635.27 feet, said point being distant 325 feet westerly at right angles from the center line of the east levee of the Sutter By-Pass as the same is staked and located on the ground by the State Department of Engineering of California, said point being on the westerly boundary of the right of way for said east levee; thence following the said westerly right of way boundary, on a line parallel to the said levee center line and distant 325.0 feet westerly therefrom, southerly on a curve to the right of radius 20,864.8 feet, a distance of 2486.15 feet; thence continuing on said parallel line South 40° 22' East 6682.32 feet to a point on the east line of Section 29, Township 13 North, Range 3 East, Mount Diablo Base and Meridian, distant 325.0 feet at right angles westerly from the said levee center line; thence leaving the said west boundary line of right of way, on said east section line, South 3673.21 feet to the southeast corner of said Section 29; thence on the south line of Section 28, Township 13 North, Range 3 East, Mount Diablo Base and Meridian, East 3122.45 feet to a point on the above mentioned right of way boundary, said point being distant 325.0 feet at right angles westerly from the center line of the east levee of Sutter By-Pass; thence on the said right of way westerly boundary, parallel to the



said levee center line and distant 325.0 feet westerly therefrom, South 40° 22' East 5700.8 feet; thence on a curve to the right of radius 4586.1 feet; a distance of 2075.1 feet; thence South 14° 26½' East 8838.4 feet; thence North 75° 33½' East 275.0 feet to a point on the west boundary line of the Southern Pacific Railroad Company's right of way from which point the intersection of the center line of the said east levee, which is also the center line of the Southern Pacific Railroad track, with the south levee of the Rideout Reclamation District No. 803 bears North 75° 33½' East 50.0 feet, said point of intersection being distant northerly along said track 48.15 feet from the center line of the north concrete abutment (center line of pin) of the Nelson Slough Bridge; thence along the said west boundary line of the Railroad right of way, parallel to the center line of track and distant 50.0 feet westerly therefrom, South 14° 26½' East 262.46 feet, more or less, to the center line of Nelson Slough; thence following the meanderings of said center line of Nelson Slough downstream or westerly to its intersection with the easterly right of way boundary of the west levee of Sutter By-Pass; thence following the said easterly right of way boundary North 7° 51' West 1473.38 feet to the point of beginning, containing 2634.717 acres, more or less.

PARCEL NO. 2: Beginning at the southeast corner of Section 13, Township 13 North, Range 2 East, Mount Diablo Base and Meridian; thence on the south line of Section 18, Township 13 North, Range 3 East, Mount Diablo Base and Meridian, South 88° 29' East 4485.90 feet to a point distant 340.0 feet at right angles westerly from the center line of the east levee of Sutter By-Pass, as the same is located on the ground by the State Department of Engineering; thence Northerly on a line parallel to the said levee center line and distant 340.0 feet westerly therefrom on a curve to the left of radius

20,849.8 feet, a distance of 1538.54 feet, measured along curve; thence North 51° 24' West 6732.83 feet; thence at right angles in a southwesterly direction, South 38° 36' West 3322.95 feet, more or less, to a point on the east line of the levee right of way of Reclamation District No. 1500, said point being 340.0 feet at right angles easterly from the center line of east levee of said Reclamation District No. 1500; thence along said easterly right of way boundary, parallel to the said levee center line and distant 340.0 feet therefrom, South 51° 26' East 3991.15 feet to the south line of Section 13, Township 13 North, Range 2 East, Mount Diablo Base and Meridian; thence on said south line, North 89° 59'-1/3' East 895.89 feet to the point of beginning, containing 468.35 acres, more or less.

PARCEL NO. 3: A triangular shaped piece or parcel of land situate in Section 28, Township 13 North, Range 3 East, Mount Diablo Base and Meridian, and more particularly described as follows, to-wit:

Beginning at the southwest corner of said Section 28; thence South 89° 45' East along the south line of said Section 28, 3122.45 feet to a point on the westerly boundary of the levee right of way of the east levee of the Sutter By-Pass; thence North 40° 07' West along said westerly boundary of said levee right of way 4820.98 feet, a little more or less, to the west line of said Section 28; thence South 0° 15' West along said west line of said Section 28, 3673.21 feet, a little more or less, to the point of beginning; said triangular shaped piece of land containing 131.65 acres, more or less.

PARCEL NO. 4: (a) Beginning at the northeast corner of Section 10, Township 13 North, Range 2 East, Mount Diablo Base and Meridian; thence East 1318.06 feet to the southeast corner of the Southwest quarter of the Southwest quarter of Section 2, Township 13 North,



Range 2 East, Mount Diablo Base and Meridian; thence North  $0^{\circ} 02'$  East 2640.0 feet to the northeast corner of the Northwest quarter of the Southwest quarter of said Section 2; thence on the north line of said quarter-quarter section East 61.97 feet to a point distant 375.0 feet at right angles westerly from the center line of the east levee of Sutter By-Pass as the same is located on the ground by the State Department of Engineering of California; thence Southerly on a line parallel to the said levee center line and distant 375.0 feet westerly therefrom on a curve to the left of radius 10,126.0 feet a distance of 2,886.72 feet, measured along curve, to a point on the south line of said Section 2; thence on said south line, East 41.73 feet to a point distant 340.0 feet at right angles westerly from the said levee center line; thence South  $32^{\circ} 46'$  East 95.33 feet to a point on the line dividing Section 11, Township 13 North, Range 2 East, Mount Diablo Base and Meridian, into east and west halves, from which the quarter corner of the north line of said Section 11 bears North  $0^{\circ} 02'$  West 79.9 feet, said point being distant 340.00 feet at right angles westerly from the said levee center line; thence leaving the west right of way boundary line on said dividing line South  $0^{\circ} 02'$  East 4887.03 feet to a point on the easterly boundary line of right of way of east levee of Reclamation District No. 1500, said point being distant 340.00 feet at right angles easterly from the said levee center line; thence Northerly along said boundary line on curve to the right of radius 13,411.0 feet a distance of 991.7 feet measured along curve; thence North  $43^{\circ} 27'$  East 30.0 feet to a point distant 370.0 feet at right angles easterly from the said levee center line; thence on a curve to the right of radius 13,381.0 feet a distance of 2935.0 feet, measured on a curve to a point on the west line of Section 11, Township 13 North, Range 2 East, Mount Diablo Base and Meridian, said point being distant 370.00 feet at right angles easterly from the said levee center line; thence



20,849.8 feet, a distance of 1538.54 feet, measured along curve; thence North 51° 24' West 6732.83 feet; thence at right angles in a southwesterly direction, South 38° 36' West 3322.95 feet, more or less, to a point on the east line of the levee right of way of Reclamation District No. 1500, said point being 340.0 feet at right angles easterly from the center line of east levee of said Reclamation District No. 1500; thence along said easterly right of way boundary, parallel to the said levee center line and distant 340.0 feet therefrom, South 51° 26' East 3991.15 feet to the south line of Section 13, Township 13 North, Range 2 East, Mount Diablo Base and Meridian; thence on said south line, North 89° 59'-1/3' East 895.89 feet to the point of beginning, containing 468.35 acres, more or less.

PARCEL NO. 3: A triangular shaped piece or parcel of land situate in Section 28, Township 13 North, Range 3 East, Mount Diablo Base and Meridian, and more particularly described as follows, to-wit:

Beginning at the southwest corner of said Section 28; thence South 89° 45' East along the south line of said Section 28, 3122.45 feet to a point on the westerly boundary of the levee right of way of the east levee of the Sutter By-Pass; thence North 40° 07' West along said westerly boundary of said levee right of way 4820.98 feet, a little more or less, to the west line of said Section 28; thence South 0° 15' West along said west line of said Section 28, 3673.21 feet, a little more or less, to the point of beginning; said triangular shaped piece of land containing 131.65 acres, more or less.

PARCEL NO. 4: (a) Beginning at the northeast corner of Section 10, Township 13 North, Range 2 East, Mount Diablo Base and Meridian; thence East 1318.08 feet to the southeast corner of the Southwest quarter of the Southwest quarter of Section 2, Township 13 North,

leaving said easterly right of way boundary on the said west line of Section 11, North 0° 02½' West 2026 feet to a point of beginning, containing 255.55 acres, more or less.

(b) ALSO, beginning at the northeast corner of Section 10, Township 13 North Range 2 East, Mount Diablo Base and Meridian; thence along the east line of said Section 10, South 0° 2½' East 2029.14 feet; thence North 33° 07½' West 350.12 feet; thence North 31° 33' West 389.21 feet; thence North 29° 53' West 389.21 feet; thence North 28° 13' West 389.21 feet; thence North 26° 33' West 389.21 feet; thence North 24° 53' West 389.21 feet; thence North 24° 01½' West 24.98 feet to a point on the north line of aforesaid Section 10; thence along said north line, South 89° 59' East 1119.33 feet to the point of beginning, containing 27.81 acres, more or less;

EXCEPTING from said Parcels 1, 2, 3 and 4 any and all of the lands hereinabove conveyed, (See also)

any and all riparian, appropriative and other rights of every kind and character now owned or held by said Grantors, or in which they have any right, title, estate and interest, in and to the surface and subsurface waters, and all other waters of every kind and character now or hereafter flowing or otherwise being in the Sutter By-Pass and particularly but without limiting the generality of the foregoing, in and to said surface, subsurface and other waters of the borrow pit of the east levee of the Sutter By-Pass.

(b) Reserving also unto Grantors, their heirs and assigns, a perpetual right of way and easement on, over and across those certain parcels of real property in the County of Sutter, State of California, described as follows:

1. That portion of Parcel A lying south of a line, measured 100 feet northerly from the center line of wooden bridge north of Willow Slough; said portion being also described as the southerly 500 feet of said Parcel A, situate in Section 3, T. 12 N., R. 3 E.

2. A strip of land 200 feet wide, lying across Parcel A, parallel to Sutter Causeway and with its center line distant 450 feet southeasterly from the center line of said Causeway, being situate in Section 20, T. 13 N., R. 3 E.

THIS COVERS  
16426-1  
ALREADY

3. A strip of land 300 feet wide, situate 150 feet on each side of center line of Sutter Causeway, and being situate in Section 19, T. 13 N., R. 3 E.,

for the following purposes, to-wit:

For ingress to and egress from Grantors' said remaining By-Pass lands (hereinabove in paragraph (a) described) and to use the parcels hereinabove in this paragraph (b) described as and for road purposes, including the right in Grantors, their heirs and assigns, to pass over said property with all such men, tools, live-stock, vehicles, machinery, appliances and equipment as may be necessary or convenient to the use, occupancy or operation of said Grantors' remaining By-Pass lands.

(c) Reserving also unto Grantors, their heirs and assigns, a perpetual right of way and easement on, over and across those certain parcels of land situate in the County of Sutter, State of California, described as follows:

1. A strip of land 50 feet wide, situate across Parcel A and distant 3,000 feet more or less northerly from the southerly boundary of said parcel.

2. A strip of land 50 feet on each side of a line running east and west across Parcel A and distant approximately 1,400 feet northerly from the point opposite State Pumping Plant No. 1, said strip being also located approximately 1700 feet, measured along the westerly boundary of Parcel A, south-easterly from the northerly boundary of Section 33, T. 13 N., R. 3 E.



3. A strip of land 50 feet wide across Parcel A and located opposite a point on the center line of levee, which point is distant southerly 7,750 feet from the center line of Sutter Causeway as measured along said center line of east levee, said strip being also located 1500 feet, measured along the westerly boundary of said Parcel A, southeasterly from the northerly boundary of Section 29, T. 13 N., R. 3 E.

4. A strip of land 50 feet wide, situate across Parcel A and distant 2,700 feet, more or less, southerly from the center line of Sutter Causeway as measured along the westerly boundary of said parcel.

5. A strip of land 50 feet wide situate across Parcel A and distant northerly 800 feet more or less from the center line of Sutter Causeway, measured along westerly boundary of said parcel; said strip being also located approximately 530 feet, measured along said westerly boundary of Parcel A, southeasterly from the northerly boundary of Section 19, T. 13 N., R. 3 E.

6. A strip of land 50 feet wide, situate across Parcel A, and distant 750 feet southerly from the northerly boundary of Parcel A, as measured along the westerly boundary of Parcel A from the northwest corner thereof;

for the following purposes, to-wit:

(1) For the construction, reconstruction, maintenance, operation and repair of irrigation pumping plants and their appurtenances;

(2) To maintain, operate, reconstruct and repair the ditches situated on said parcels and to use said ditches for the purpose of carrying irrigation waters to the pumping plants hereinabove mentioned and to Grantors' remaining By-Pass lands (hereinafter in paragraph (a) described) and to carry drainage waters from said lands.

*Id.  
16426-2,  
INTO THIS  
RESERVATION?  
I BELIEVE  
IT IS NOT  
INTO THIS  
RESERVATION  
HINK.*

(3) The right of way and easement hereinabove in the next preceding subdivision (2) of Paragraph (c) set forth shall be subject to the right of the District, its successors and assigns, to construct, repair and maintain bridges or culverts over and in said ditches for the purpose of crossing the same, said bridges or culverts to be of such size as not materially to reduce the flow of water in said ditches.

(d) Reserving also unto Grantors, their heirs and assigns, a perpetual and exclusive right to all the oil, gas and minerals in, on or under the surface of said lands herein conveyed, and all the rights of ownership therein, including the right and license of exploring, mining, developing or operating for any or all of said products upon said lands and to use such part of the surface of said land as may be necessary or convenient in the development or extraction of said oil, gas and minerals and the right to lay, maintain and operate pipe lines for oil and gas and water or other substances.

(e) Any and all of the rights herein reserved shall include the right in Grantors, their heirs, representatives and assigns, to go onto said lands with all such men, tools, vehicles, machinery, appliances and equipment as may be necessary or convenient to carry out any of the purposes aforesaid.

SUBJECT, ALSO, to the following restrictions, covenants and conditions subject to which all of the real property hereby conveyed shall be held, used, leased, sold and conveyed, to-wit:

X That none of the lands hereby conveyed shall be used for hunting, fishing or as a game or bird refuge or preserve, or for a state or other public park, resort, picnic or camp grounds, which said covenants are to run with the land and shall be binding on said District, the State of California, its and their assigns, and all persons and agencies claiming under them, or any of them,

and which shall be for the direct benefit of Grantor's remaining lands situated in the Sutter By-Pass and hereinabove described in paragraph (a) of the reservations of this conveyance. X

IN WITNESS WHEREOF, Grantors have hereunto set their hands this 30th day of September, 1942.

R. E. Hughes  
(R. E. Hughes)  
Leona W. Hughes  
(Leona W. Hughes)  
Grantors

STATE OF CALIFORNIA, )  
County of Sacramento ss.

On this 30th day of September, 1942, before me, H. R. Pierce, a Notary Public in and for the County of Sacramento, State of California, residing therein, duly commissioned and sworn, personally appeared R. E. HUGHES and LEONA W. HUGHES (his wife), known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in the County of Sacramento the day and year in this certificate first above written.

(NOTARIAL  
SEAL)

H. R. Pierce  
NOTARY PUBLIC in and for the County  
of Sacramento, State of California



R E S O L U T I O N

PASSED AND ADOPTED BY THE RECLAMATION BOARD

AT MEETING HELD FEBRUARY 19, 1941

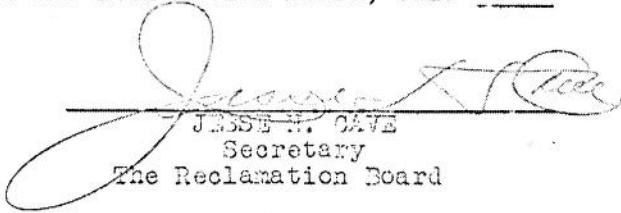
IT IS RESOLVED AND ORDERED by The Reclamation Board of the State of California that A. M. Barton, as Chief Engineer and General Manager of said Board, is hereby authorized to consent to deeds or grants conveying, to the Sacramento and San Joaquin Drainage District or The Reclamation Board of the State of California, real estate, or any interest therein, or easements thereon, for public purposes, and to evidence said consent by his written acceptance attached to such deeds or grants together with a certified copy of this resolution in accordance with section 1158 of the Civil Code of the State of California.

STATE OF CALIFORNIA                     )  
County of Sacramento                 ) SS.  
Office of The Reclamation Board    )

I, JESSE H. CAVE, Secretary of The Reclamation Board, do hereby certify that the above and foregoing is a true and exact copy of a resolution duly passed and adopted by said Board at its regular monthly meeting held February 19, 1941.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of The Reclamation Board, this 3 day of ~~July~~, 1942.

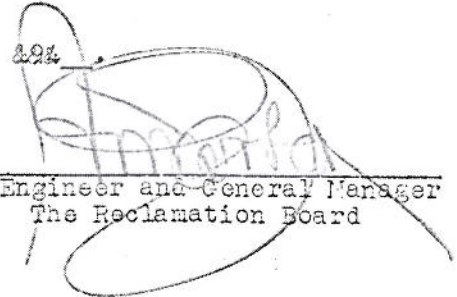
*October*

  
JESSE H. CAVE  
Secretary  
The Reclamation Board

STATE OF CALIFORNIA    )  
COUNTY OF SACRAMENTO ) SS.

This is to certify that I, the undersigned, duly appointed, qualified and acting Chief Engineer and General Manager of The Reclamation Board, do consent to and accept the attached deed or grant by virtue of the authority vested in me by the resolution of said board, a certified copy of which is above set forth.

DATED: December 2, 1942, 1942

  
Chief Engineer and General Manager  
The Reclamation Board

(849) # 849

D E E D

R. E. HUGHES and  
LEONA W. HUGHES, his wife,

to

SACRAMENTO AND SAN JOAQUIN  
DRAINAGE DISTRICT

DATED: Sept 30, 1942.

*Sutter Co.*  
*4F-13N-3E*

DOWNEY, BRAND AND SEYMOUR  
ATTORNEYS

500-509 CAPITAL NATIONAL BANK BUILDING  
SACRAMENTO, CALIFORNIA

3837

Not for Record at Request of

SUTTER CO, FILE 38

DEC 4 - 1942

at 47 min. past 1 o'clock P.M.  
and duly recorded in book 193  
of S. J. L. records,

page 289, Sutter County, Deeds.

*E. M. Bagley*

*Con. V. Keel*

*No Fee*

R.B. Doc. # 8723

KNOW ALL MEN BY THESE PRESENTS:

That for and in consideration of the sum of Three Thousand and Four Hundred Sixteen Dollars (\$3,416.00) by grantee to grantors in hand paid, receipt whereof is hereby acknowledged, R. E. HUGHES and LEONA W. HUGHES, his wife, hereinafter designated "Grantors", do hereby grant, bargain, sell and convey to SACRAMENTO AND SAN JOAQUIN DRAINAGE DISTRICT, a public agency and mandatory, hereinafter designated "District", the following described real property situate in the County of Sutter, State of California, to-wit:

All of those certain tracts or parcels of real property situate, lying and being in Section 2, Township 13 North, Range 2 East, and Sections 3 and 10, Township 12 North, Range 3 East, M. D. B. & M., Sutter County, California, designated hereinafter as Parcels "A" and "B", Parcel "A" being adjacent to the NW corner of the NE 1/4 of the SW 1/4 of said Section 2 and westerly from the westerly right of way boundary of the Sutter By-pass, as said boundary is described in a deed to that certain 31.71 acre tract of real property, from the Sutter Basin Company and Sutter Basin Improvement Company to the Sacramento and San Joaquin Drainage District, dated June 23, 1914, and recorded March 2, 1918, in Book 61 of Deeds, Page 39, Sutter County Records; Parcel "B" being in said Sections 3 and 10, between Nelson Slough and Willow Slough and lying westerly of and adjacent to the westerly right of way boundary of the Sutter By-pass as described in the second parcel of the aforesaid deed as that certain 128.76 acre tract, and more particularly described as follows, to-wit:

80F-13N-2E

Parcel "A": Beginning at the said NW corner of the NE 1/4 of the SW 1/4 of Section 2, thence east 61.97 feet to a point on the said westerly right of way boundary of the Sutter By-pass; thence southeasterly on a curve to the left; tangent at its point of beginning to a line running S. 15° 59' 52" E., with a radius of 10,126.0 feet, a distance of 1,451.26 feet measured along the arc of the curve to a point; thence leaving said curve on a line due West 366.61 feet to a point; thence N. 14° 40' W. 766.64 feet to a point on the westerly boundary line of said NE 1/4 of the SW 1/4; thence along said westerly boundary line N. 0° 02' E. 620 feet to the point of beginning, containing 7.50 acres, more or less.

Parcel "B": Beginning at a point on the westerly right of way boundary line of that said 128.76 acre tract of real property in said Section 10, Township 12 North, Range 3 East, said point of beginning also being S. 75° 33' 30" W. 325 feet and N. 14° 26' 30" W. 260 feet from the intersection of the center line of the

7F-12N-3E

EXHIBIT A



said east levee of the Sutter By-pass, which is also the center line of the Southern Pacific Railroad track, with the center line of the south levee of Reclamation District No. 803 (Rideout District), said point of intersection being 48.15 feet northerly along said centerline of said railroad track from the center line of the north concrete abutment (center line of bearing pin) of the Nelson Slough Bridge; thence from said point of beginning along the said westerly boundary of that said 128.76 acre tract, N. 14° 26' 30" W. 6,170.0 feet to a point; thence leaving said westerly boundary on a line measured at right angles to the left S. 75° 33' 30" W. 225.00 feet to a point; thence on a line parallel to the said westerly boundary and distant 225.00 feet measured at right angles therefrom, S. 14° 26' 30" E. 4,580.00 feet to a point; thence on a line at right angles to the right, S. 75° 33' 30" W. 70 feet to a point; thence on a line S. 12° 53' 40" E. 1,590.6 feet to a point; thence on a line at right angles to the said westerly right of way boundary N. 75° 33' 30" E. 338.00 feet to the point of beginning, containing 35.2 acres, more or less, ✓

free and clear of all liens and encumbrances excepting:

1. Right of way for free flow of water granted by Sutter Basin Company, a corporation, to Sacramento and San Joaquin Drainage District, dated June 23, 1914 and recorded March 2, 1918 in Book 61 of Deeds, at page 36, Sutter County Records.

SUBJECT, ALSO, to the following reservations, to-wit:

(a) Reserving unto Grantors, their heirs and assigns, and for the benefit of any and all of the remaining lands of Grantors situated in the Sutter By-pass and which said remaining lands are described as follows:

All those certain lots, pieces or parcels of land situate, lying and being in the County of Sutter, State of California, particularly described as follows, to-wit:

Parcel No. 1: All the portions of Section 24, Township 13 North, Range 2 East, Mount Diablo Base and Meridian; Sections 19, 20, 29, 30, 32, 33 and 34, Township 13 North, Range 3 East, Mount Diablo Base and Meridian; Sections 3, 4, 9, 10, 15 and 16, Township 12 North, Range 3 East, Mount Diablo Base and Meridian; lying east of the east right of way boundary of the west levee of Sutter By-pass and west of the west right of way boundary of the east levee of Sutter By-pass and north of the center line of Nelson Slough and more particularly described as follows:

Beginning at a point on the south line of Section 9, Township 12 North, Range 3 East, Mount Diablo Base and Meridian, from which the southeast corner of said Section 9 bears North 89° 58' East 123.19 feet, said point being distant 325 feet easterly at right angles from the center line of the east levee of Reclamation District No. 1500; and on the east line of the levee right of way of said District No. 1500; thence on said east right of way line, parallel to the said levee center line and distant 325 feet easterly therefrom, North 7° 51' West 6826.5 feet; thence on a curve to the left of radius 11,068.0 feet, a distance of 6274.0 feet; thence North 49° 40' East 15.0 feet to a point distant 340.0 feet at right angles easterly from the said levee center line; thence along the said east boundary line of right of way, parallel to and distant 340.0 feet easterly from the said levee center line, North 40° 20' West 13,045.7 feet; thence on a curve to the left of radius 17,528.8 feet a distance of 3395.90 feet; thence North 51° 26' West 2817.5 feet to a point on the south line of Section 13, Township 13 North, Range 2 East, Mount Diablo Base and Meridian; said point being on the said easterly boundary of levee right of way and distant 340.0 feet at right angles easterly from the said levee center line; thence on said south line of Section 13, North 89° 59-1/3' East 895.89 feet to the southeast corner of said Section 13; thence on the south line of Section 18, Township 13 North, Range 3 East, Mount Diablo Base and Meridian, South 88° 29' East 4501.80 feet to a point from which the southeast corner of said Section 18 bears South 88° 29' East 635.27 feet, said point being distant 325 feet westerly at right angles from the center line of the east levee of the Sutter By-pass as the same is staked and located on the ground by the State Department of Engineering of California, said point being on the westerly boundary of the right of way for said east levee; thence following the said westerly right of way boundary, on a line parallel to the said levee center line and distant 325.0 feet westerly therefrom, southerly on a curve to the right of radius 20,864.8 feet, a distance of 2486.15 feet; thence continuing on said parallel line South 40° 22' East 6682.32 feet to a point on the east line of Section 29, Township 13 North, Range 3 East, Mount Diablo Base and Meridian, distant 325.0 feet at right angles westerly from the said levee center line; thence leaving the said west boundary line of right of way, on said east section line, South 3673.21 feet to the southeast corner of said Section 29; thence on the south line of Section 28, Township 13 North, Range 3 East, Mount Diablo Base and Meridian, East 3122.45 feet to a point on the above mentioned right of way boundary, said point being distant 325.0 feet at right angles westerly from the center line of the east levee of Sutter By-pass; thence on the said right of way westerly boundary, parallel to the said levee center line and distant 325.0 feet westerly therefrom, South 40° 22' East 5700.8 feet; thence on a curve to the right of radius 4586.1 feet; a distance of 2075.1 feet; thence South 14° 26 1/2' East 8838.4 feet;



thence North  $75^{\circ} 33\frac{1}{2}'$  East 275.0 feet to a point on the west boundary line of the Southern Pacific Railroad Company's right of way from which point the intersection of the center line of the said east levee, which is also the center line of the Southern Pacific Railroad track, with the south levee of the Rideout Reclamation District No. 803 bears North  $75^{\circ} 33\frac{1}{2}'$  East 50.0 feet, said point of intersection being distant northerly along said track 48.15 feet from the center line of the north concrete abutment (center line of pin) of the Nelson Slough Bridge; thence along the said west boundary line of the Railroad right of way, parallel to the center line of track and distant 50.0 feet westerly therefrom, South  $14^{\circ} 26\frac{1}{2}'$  East 262.46 feet, more or less, to the center line of Nelson Slough; thence following the meanderings of said center line of Nelson Slough downstream or westerly to its intersection with the easterly right of way boundary of the west levee of Sutter By-pass; thence following the said easterly right of way boundary North  $7^{\circ} 51'$  West 1473.38 feet to the point of beginning, containing 2634.717 acres, more or less. ✓

× Parcel No. 2: Beginning at the southeast corner of Section 13, Township 13 North, Range 2 East, Mount Diablo Base and Meridian; thence on the south line of Section 18, Township 13 North, Range 3 East, Mount Diablo Base and Meridian, South  $88^{\circ} 29'$  East 4485.90 feet to a point distant 340.0 feet at right angles westerly from the center line of the east levee of Sutter By-pass, as the same is located on the ground by the State Department of Engineering; thence Northerly on a line parallel to the said levee center line and distant 340.0 feet westerly therefrom on a curve to the left of radius 20,849.8 feet, a distance of 1538.54 feet, measured along curve; thence North  $51^{\circ} 24'$  West 6732.83 feet; thence at right angles in a southwesterly direction, South  $38^{\circ} 36'$  West 3322.95 feet, more or less, to a point on the east line of the levee right of way of Reclamation District No. 1500, said point being 340.0 feet at right angles easterly from the center line of east levee of said Reclamation District No. 1500; thence along said easterly right of way boundary, parallel to the said levee center line and distant 340.0 feet therefrom, South  $51^{\circ} 26'$  East 3991.15 feet to the south line of Section 13, Township 13 North, Range 2 East, Mount Diablo Base and Meridian; thence on said south line, North  $89^{\circ} 59\frac{1}{3}'$  East 895.89 feet to the point of beginning, containing 468.35 acres, more or less. ✓

× Parcel No. 3: A triangular shaped piece or parcel of land situate in Section 28, Township 13 North, Range 3 East, Mount Diablo Base and Meridian, and more particularly described as follows, to-wit:

Beginning at the southwest corner of said Section 28; thence South  $89^{\circ} 45'$  East along the south line of said Section 28, 3122.45 feet to a point on the westerly boundary of the levee right of way of the east levee of the Sutter By-pass; thence North  $40^{\circ} 07'$  West along



said westerly boundary of said levee right of way 4820.98 feet, a little more or less, to the west line of said Section 28; thence South  $0^{\circ} 15'$  West along said west line of said Section 28, 3673.21 feet, a little more or less, to the point of beginning; said triangular shaped piece of land containing 131.65 acres, more or less. ✓

Parcel No. 4: (a) Beginning at the northeast corner of Section 10, Township 13 North, Range 2 East, Mount Diablo Base and Meridian; thence East 1318.08 feet to the southeast corner of the southwest quarter of the southwest quarter of Section 2, Township 13 North, Range 2 East, Mount Diablo Base and Meridian; thence North  $0^{\circ} 02'$  East 2640.0 feet to the northeast corner of the Northwest quarter of the southwest quarter of said Section 2; thence on the north line of said quarter-quarter section East 61.97 feet to a point distant 375.0 feet at right angles westerly from the center line of the east levee of Sutter By-pass as the same is located on the ground by the State Department of Engineering of California; thence southerly on a line parallel to the said levee center line and distant 375.0 feet westerly therefrom on a curve to the left of radius 10,126.0 feet a distance of 2,886.72 feet, measured along curve, to a point on the south line of said Section 2; thence on said south line, East 41.73 feet to a point distant 340.0 feet at right angles westerly from the said levee center line; thence South  $32^{\circ} 46'$  East 95.33 feet to a point on the line dividing Section 11, Township 13 North, Range 2 East, Mount Diablo Base and Meridian, into east and west halves, from which the quarter corner of the north line of said Section 11 bears North  $0^{\circ} 02'$  West 79.9 feet, said point being distant 340.00 feet at right angles westerly from the said levee center line; thence leaving the west right of way boundary line on said dividing line South  $0^{\circ} 02'$  East 4887.03 feet to a point on the easterly boundary line of right of way of east levee of Reclamation District No. 1500, said point being distant 340.00 feet at right angles easterly from the said levee center line; thence Northerly along said boundary line on curve to the right of radius 13,411.0 feet a distance of 991.7 feet measured along curve; thence North  $43^{\circ} 27'$  East 30.0 feet to a point distant 370.0 feet at right angles easterly from the said levee center line; thence on a curve to the right of radius 13,381.0 feet a distance of 2935.0 feet, measured on a curve to a point on the west line of Section 11, Township 13 North, Range 2 East, Mount Diablo Base and Meridian, said point being distant 370.00 feet at right angles easterly from the said levee center line; thence leaving said easterly right of way boundary on the said west line of Section 11, North  $0^{\circ} 02\frac{1}{2}'$  West 2026 feet to a point of beginning, containing 255.55 acres, more or less. ✓

(b) ALSO, beginning at the northeast corner of Section 10, Township 13 North Range 2 East, Mount Diablo Base and Meridian; thence along the east line of said

Section 10, South 0° 21' East 2029.14 feet; thence North 33° 07½' West 350.12 feet; thence North 31° 33' West 389.21 feet; thence North 29° 53' West 389.21 feet; thence North 28° 13' West 389.21 feet; thence North 26° 33' West 389.21 feet; thence North 24° 53' West 389.21 feet; thence North 24° 01½' West 24.98 feet to a point on the north line of aforesaid Section 10; thence along said north line, South 89° 59' East 1119.33 feet to the point of beginning, containing 27.81 acres, more or less;

EXCEPTING from said Parcels 1, 2, 3 and 4 any and all of the lands hereinabove conveyed, and EXCEPTING ALSO those certain parcels of land heretofore conveyed by grantors to grantee by deed dated September 30, 1942, and recorded December 4, 1942, in Book 193 of Official Records of Sutter County at Page 289,

any and all riparian, appropriative and other rights of every kind and character now owned or held by said Grantors, or in which they have any right, title, estate and interest, in and to the surface and subsurface waters, and all other waters of every kind and character now or hereafter flowing or otherwise being in the Sutter By-pass and particularly but without limiting the generality of the foregoing, in and to said surface, subsurface and other waters of the borrow pit of the east levee of the Sutter By-pass.

(b) Reserving unto grantors, their heirs and assigns, a perpetual right of way and easement on, over and across that certain parcel of land situate in the County of Sutter, State of California, described as follows:

A strip of land 50' wide situate across Parcel "B" and distant 1,540 feet northerly from the southerly boundary of Parcel "B" as measured along the westerly boundary of Parcel "B" from the southwest corner thereof, for the following purposes, to-wit:

(1) For the construction, reconstruction, maintenance, operation and repair of irrigation pumping plants and their appurtenances;

(2) To maintain, operate, reconstruct and repair the ditches situated on said parcel and to use said ditches for the purpose of carrying irrigation waters to the pumping plants



hereinabove mentioned and to Grantors' remaining by-pass lands (hereinabove in paragraph (a) described) and to carry drainage waters from said lands.

(c) Reserving also unto Grantors, their heirs and assigns, a perpetual and exclusive right to all the oil, gas and minerals in, on or under the surface of said lands herein conveyed, and all the rights of ownership therein, including the right and license of exploring, mining, developing or operating for any or all of said products upon said lands and to use such part of the surface of said land as may be necessary or convenient in the development or extraction of said oil, gas and minerals and the right to lay, maintain and operate pipe lines for oil and gas and water or other substances.

(d) Any and all of the rights herein reserved shall include the right in Grantors, their heirs, representatives and assigns, to go onto said lands with all such men, tools, vehicles, machinery, appliances and equipment as may be necessary or convenient to carry out any of the purposes aforesaid.

SUBJECT, ALSO, to the following restrictions, covenants and conditions subject to which all of the real property hereby conveyed shall be held, used, leased, sold and conveyed, to-wit:

That none of the lands hereby conveyed shall be used for hunting, fishing or as a game or bird refuge or preserve, or for a state or other public park, resort, picnic or camp grounds, which said covenants are to run with the land and shall be binding on said District, the State of California, its and their assigns, and all persons and agencies claiming under them, or any of them, and which shall be for the direct benefit of Grantor's remaining lands situated in the Sutter By-pass and hereinabove described in paragraph (2) of the reservations of this conveyance.



IN WITNESS WHEREOF, Grantors have hereunto set their  
hands this 15th day of March, 1943.

R. E. Hughes  
Leona W. Hughes

FORM APPROVED

15th  
NOTARY PUBLIC

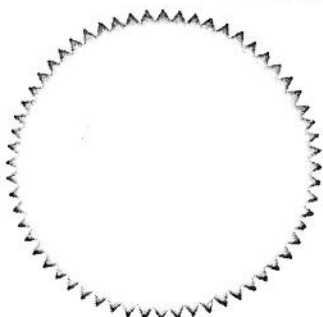
1/27/43

B.C.C.

STATE OF CALIFORNIA,

County of Yolo } ss.

On this 15th day of March in the year one thousand nine hundred and forty three  
before me R. A. Lawson a Notary Public in and for the County of Yolo  
personally appeared R. E. Hughes and Leona W. Hughes,  
his wife,



known to me to be the person whose name s are subscribed to the  
within instrument, and they duly acknowledged to me that they  
executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed  
my Official Seal the day and year in this certificate first above written.

My Commission Expires February 27th 1946  
Crocker's Acknowledgment No. 133.

R. A. Lawson  
Notary Public in and for the County of Yolo, State of California

PASSED AND ADOPTED BY THE RECLAMATION BOARD

IT IS RESOLVED AND ORDERED by The Reclamation Board of the State of California that A. M. Barton, as Chief Engineer and General Manager of said Board, is hereby authorized to consent to deeds or grants conveying, to the Sacramento and San Joaquin Drainage District or The Reclamation Board of the State of California, real estate, or any interest therein, or easements thereon, for public purposes, and to evidence said consent by his written acceptance attached to such deeds or grants together with a certified copy of this resolution in accordance with section 1158 of the Civil Code of the State of California.

I, GEO. H. HOLMES, Secretary of The Reclamation Board, do hereby certify that the above and foregoing is a true and exact copy of a resolution duly passed and adopted by said Board at its regular monthly meeting held February 19, 1941.

*GEO. H. HOLMES*  
GEO. H. HOLMES  
Secretary  
The Reclamation Board

This is to certify that I, the undersigned, duly appointed, qualified and acting Chief Engineer and General Manager of The Reclamation Board, do consent to and accept the attached deed or grant by virtue of the authority vested in me by the resolution of said board, a certified copy of which is above set forth.

1943.

*Wm. C. Fox*

Chief Engineer and General Manager  
The Reclamation Board

*Rec'd*

DEED 8 / 2

R. E. HUGHES and  
LEONA W. HUGHES, his wife,

to

(873)

SACRAMENTO AND SAN JOAQUIN  
DRAINAGE DISTRICT

Dated: March 15, 1943.

*Sutter Fee*

7F - 12N - 3E

80F - 13N - 2E

DEED 8 / 2

APR 23

at 24 minutes 2 o'clock P.

at 2 o'clock P.M. 196

at 2 o'clock P.M.

83

*E. M. Boyd*

*Reginald Johnson*

*No Fee*

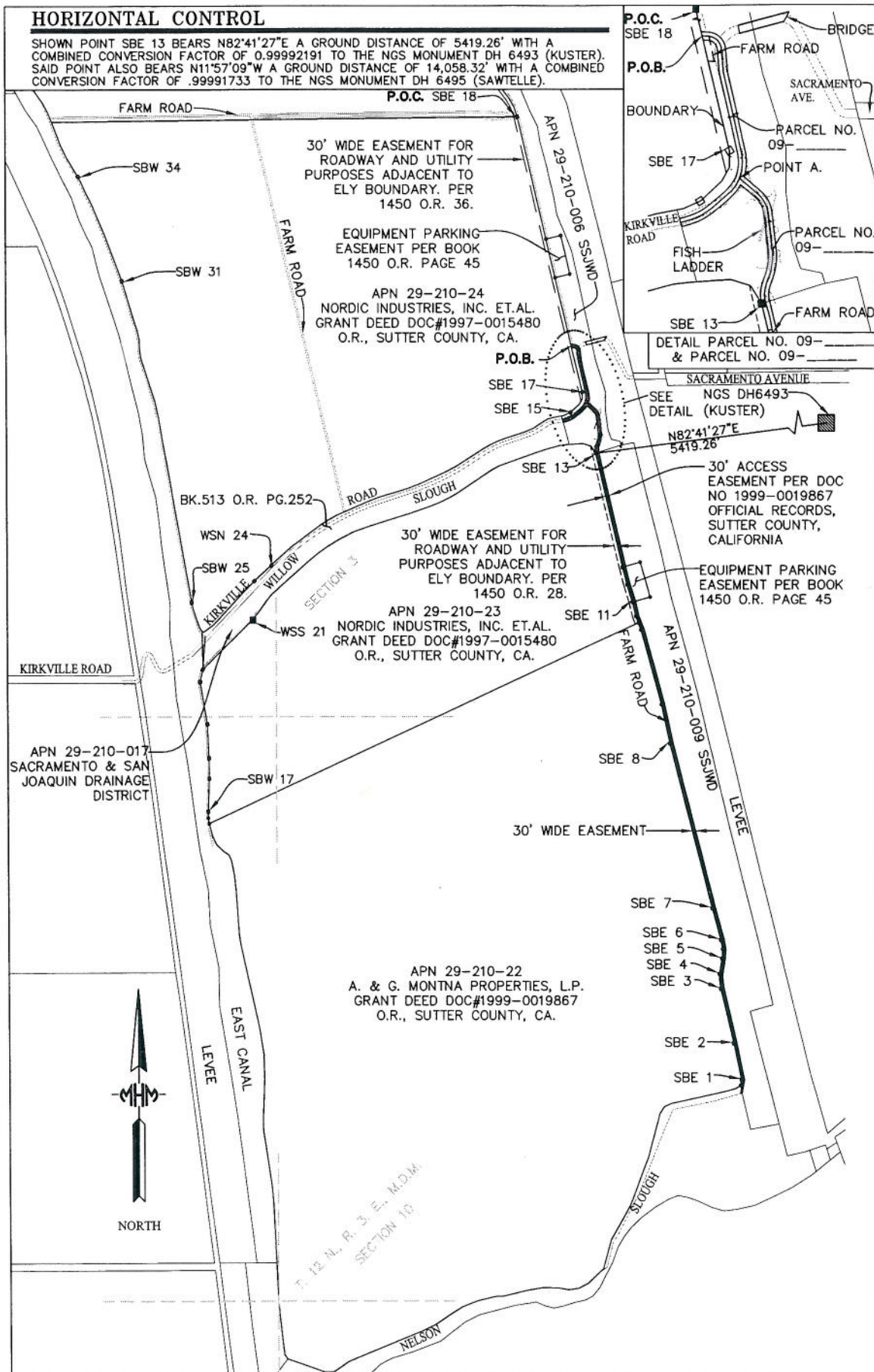
*[Signature]*





## HORIZONTAL CONTROL

SHOWN POINT SBE 13 BEARS N82°41'27"E A GROUND DISTANCE OF 5419.26' WITH A COMBINED CONVERSION FACTOR OF 0.99992191 TO THE NGS MONUMENT DH 6493 (KUSTER). SAID POINT ALSO BEARS N11°57'09"W A GROUND DISTANCE OF 14,058.32' WITH A COMBINED CONVERSION FACTOR OF .99991733 TO THE NGS MONUMENT DH 6495 (SAWTELLE).



## BASIS OF BEARINGS

BEARINGS SHOWN HEREON REFER TO DOCUMENT NO. 1999-0019867 OFFICIAL RECORDS OF SUTTER COUNTY.

## PLAT TO ACCOMPANY EASEMENT DESCRIPTIONS

A. & G. MONTNA PROPERTIES, L.P.  
SUTTER CO.  
CALIFORNIA

MARCH, 2009  
SCALE 1"=1000'

08118



## HORIZONTAL CONTROL

SHOWN POINT SBE 18 BEARS S68°46'40"E A GROUND DISTANCE OF 6534.45' WITH A COMBINED CONVERSION FACTOR OF 0.99992191 TO THE NGS MONUMENT DH 6493 (KUSTER). SAID POINT ALSO BEARS N38°58'41"W A GROUND DISTANCE OF 20425.81' WITH A COMBINED CONVERSION FACTOR OF .99991873 TO THE NGS MONUMENT JS 4533 (PASS).

